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**IBA Dispute Resolution Forum**

# IBA Dispute Resolution Forum

The Institute of Business Administration (IBA) – Karachi through its Center for Executive Education (CEE) has launched the IBA Dispute Resolution Forum to promote mediation as an appropriate means of resolving conflicts, especially in the civil/commercial space. The IBA Dispute Resolution Forum will seek to implement non-court-based practices of dispute resolution and negotiation, by working on real-world conflicts, improving conflict intervention methods, providing education and training, writing, and disseminating dispute resolution techniques and practices.

## Mediation: Need of the Hour

Mediation is an empowering and executive means of resolving disputes which can be used in many cases as an alternative to litigation.

In mediation, the disputing parties work with a neutral third party i.e. the mediator, who facilitates the resolution by promoting voluntary agreement (or "self-determination") by the parties to the dispute. The mediator does not decide the case or provide any judgments but simply supervises the exchange of information and the bargaining process between the parties to help them find common ground. The objective is to resolve the dispute timely and enable parties to move forward positively.

A mediator facilitates communications, promotes understanding, focuses the parties on their interests, and seeks creative problem solving to enable the parties to reach their agreement. It is a flexible process that can be used to settle disputes in a whole range of situations such as:

- Commercial and Civil Disputes
- Admiralty and Maritime Disputes
- Intellectual Property Disputes
- Consumer Disputes
- Family Disputes
- Inheritance Disputes
- Employment Disputes
- Rent Disputes
- Property Disputes

Mediation is a voluntary process and takes place only if both parties agree. It is a framework of private and joint meetings. If parties are unable to reach an agreement, they can still go to court. Both parties share the cost of mediation, which will depend on the value and complexity of the claim. Below are some fundamental concepts of the mediation procedure:

- Self-determination is the fundamental principle of mediation; the parties decide when and under what conditions they will reach an agreement or terminate the mediation.
- Impartiality of mediator is central to the mediation process.
- Conflicts of interest, actual and potential, to the mediator shall be disclosed by him/ her to the parties.
- Competence – Mediation shall be conducted by a qualified mediator having a minimum of 48 hours mediators skills training
- Confidentiality is a pillar of the mediation process. A mediator shall meet the reasonable expectations of the parties regarding confidentiality.
- Quality of the Process: A mediator will conduct the mediation fairly, diligently, and in a manner consistent with the principle of self-determination by the parties.

# Services Offered by the IBA Dispute Resolution Forum

The IBA Dispute Resolution Forum provides a platform for expert mediators to provide mediation services to any person(s) seeking the resolution of disputes, whether they are pending in Court or otherwise. Simultaneously, the IBA will be engaging with various stakeholders in Pakistan to proliferate mediation and the use of mediation services such as:

- Mediation, conciliation, and arbitration for resolving commercial disputes
- R&D through industry-academia linkages
- Mediation, conciliation, and arbitration training
- Thought leadership for the development of alternative dispute resolution International collaborations and industry forum membership

The IBA Dispute Resolution Forum is spearheaded by the ADR Team at IBA. The ADR Team includes industry and domain area experts and comprises the following individuals:

- Navin Merchant (Convener)
- Nausheen Ahmed
- Barrister Altaf Qureshi
- Mohammad Sohaib Saleem (Focal Person)

